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REMARKS

Claims 13-24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. Claims 13 and 21 are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections.

Claims 13 and 16-22 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Ueda et al. '510. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

As the Examiner is aware, in order to properly support an anticipation rejection under 35 U.S.C. § 102(b), the cited reference must disclose each and every limitation of the rejected claim. The Applicant amended claim 13 to more clearly recite the features of the present invention, namely, ".....a variator transmission (2, 3, 23) for continuously variable ratio adjustment and transfer of power sequentially in series along a single power flow path to a multi-step transmission (4)....." This feature of a sequential, in series arrangement of the Applicant's CVT and planetary gear is quite different from Ueda et al. '510 which discloses only a parallel, power split transmission. Support for such a consecutive, in series arrangement of the present invention is clearly shown in the disclosed embodiment(s) of the present invention of Figs. 1-4, for example. New claims 25 and 26 contains similar limitations, but claim 26 further recites the feature of the multi-step transmission (4) being a double planetary gear.

Unlike the *series* arrangement of the present invention, what is specifically disclosed by Ueda et al. '510 is a *parallel* distribution of torque from the continuously variable transmission (CVT) to the planetary gear. As described in Ueda et al. '510 in the Summary of the Invention, at column 2, lines 7-13, the reference relates to

"a continuously variable transmission, of a type having a toroidal transmission unit mounted on an input shaft through which engine torque is input to the continuously variable transmission and a planetary gear mechanism mounted

on an output shaft through which torque is output from the continuously variable transmission in parallel to the input shaft. . .”.

In other words, Ueda et al. `510 relates particularly to a “power split CVT” having (1) a first torque path running through the toroidal-transmission and (2) a second torque path branching off in front of the toroidal transmission through output gear 12, idle gear 20 and input gear 21 via clutch 25 to the carrier 19 and output shaft 15. In a low gear mode and, in a reverse gear mode, this power split is merged or combined in the planetary gear transmission 3 by the carrier 19 and the sun gear 16 as explained at column 4 lines 18-26. Therefore, Ueda et al. `510 does not disclose, teach or even suggest, “. . .a variator (2, 3, 23) transmission for continuously variable ratio adjustment and transferring power sequentially in series to a multi-step transmission (4). . .” with a single power flow path, as now specifically recited in claims 13, 25 and 26 and, therefore, those claims are now believed to be allowable.

Claims 14-15 and 23-24 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Ueda et al. `510 in view of Takada et al. `518. As claim 13 is now believed to be allowable in view of the above amendment, and claims 14-24 depend either directly or indirectly on claim 13, these claims are believed to be allowable as well and thus no further discussion with respect to the obviousness rejection is provided.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised anticipation and obviousness rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant’s view concerning the withdrawal of the outstanding rejections or applicability of the Ueda et al. `510, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be



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withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis & Bujold, P.L.L.C.
Fourth Floor
500 North Commercial Street
Manchester NH 03101-1151
Telephone 603-624-9220
Facsimile 603-624-9229
E-mail: patent@davisandbujold.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to: Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. June 10, 2004.

By: 

Print Name: Michael J. Bujold